

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AUDRA ELY,

Plaintiff,

Case No. 12-cv-13376
Honorable Gershwin A. Drain

v.

RYAN ADAMS, *et al.*,

Defendants.

**ORDER GRANTING DEFENDANTS' MOTION
TO COMPEL DISCOVERY [#23] AND GRANTING
DEFENDANTS' REQUEST FOR SANCTIONS**

On May 9, 2013, Defendants filed a motion to compel discovery and/or for sanctions. Defendants first served their First Set of Interrogatories and Requests for Production of Documents on February 1, 2013. Plaintiff never supplied Defendants with the requested discovery.

Subsequent to February 1, 2013, the parties made several mutually agreeable dates for the submission of the discovery requests by Plaintiff. Plaintiff utterly failed to comply with any of Defendants' discovery requests.

This case was filed by Plaintiff on July 31, 2012. The case is almost a year old and because of Plaintiff's actions, has not moved past the first stages of discovery. In response to his dilatory actions in answering Defendants' discovery requests, Plaintiff's counsel states that:

1. Plaintiff counsel's office has moved.
2. After the move, Plaintiff lost his secretary to illness.
3. After Plaintiff who is a sole practitioner lost his only secretary the computer which holds all Plaintiff's counsel files became corrupt. Plaintiff lost all his files, emails, email attachments, calendar and contacts. Plaintiff is still trying to remedy the situation and things have been very difficult to say the least.
- ...
6. Plaintiff had Defendant's Answers ready but the answers and documents Plaintiff prepared were destroyed.
7. Plaintiff is trying to retrieve the lost documents and prepare new answers.

See Resp., Dkt. No. 26, pgs. 2-3.

Although the Court is sympathetic with Plaintiff's counsel's unfortunate circumstances, his response reveals that he has done little – if anything – to comply with the Defendants' discovery requests.

As a sanction for Plaintiff's failure to respond to Defendants' discovery requests, the Court will assess a sanction of \$1,500, payable to Defendants and their counsel within 14 days of the date of this order.

IT IS FURTHER ORDERED that Plaintiff must also provide the following within 14 days of this order:

- a. answers to Defendants' First Set of Interrogatories, (signed and notarized);
- b. signed and notarized authorization to disclose patient health information;
- c. Defendants' First Request for Production of Documents

IT IS FURTHER ORDERED that Plaintiff must be produced for deposition within

21 days of this order.

Plaintiff's failure to provide the above discovery within the ordered time periods will result in further sanctions and/or dismissal of Plaintiff's claim.

Accordingly, Defendants' Motion to Compel Discovery [#23] is **GRANTED**.

SO ORDERED.

Dated: June 11, 2013

/s/Gershwin A Drain
GERSHWIN A. DRAIN
United States District Judge